

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,)	NO. CR09-5243RJB
)	
Plaintiff,)	
)	ORDER GRANTING UNOPPOSED
vs.)	MOTION TO CONTINUE TRIAL
)	DATE
JAVIER HERNANDEZ-APAEZ,)	
)	
Defendant.)	
_____)	

Based on the defendant's unopposed motion to continue the trial date, and the affidavit of defense counsel in support of the motion, the facts set forth in which are hereby incorporated by reference and adopted as findings of fact, the Court makes the following findings of fact and conclusions of law:

1. The ends of justice served by granting this continuance outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

2. Proceeding to trial absent adequate time for the defense to prepare would result in a miscarriage of justice. 18 U.S.C. §3161(h)(7)(B)(i).

3. The defense needs additional time to explore all relevant issues and defenses applicable to the case which would make it unreasonable to expect adequate preparation for pretrial proceedings or for trial itself within the time limits established by the Speedy Trial Act and currently set for this case. 18 U.S.C. § 3161(h)(7)(B)(ii).

4. Taking into account the exercise of due diligence, a continuance is necessary

1 to allow the defendant the reasonable time for effective preparation his defense. 18
2 U.S.C. § 3161(h)(7)(B)(iv).

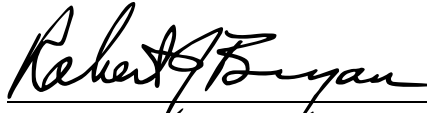
3 NOW, THEREFORE,

4 IT IS HEREBY ORDERED that the trial date is continued from June 15, 2009 to
5 September 21, 2009, at 9:30 am. The resulting period of delay from June 15, 2009, to
6 September 21, 2009, is hereby excluded for speedy trial purposes under 18 U.S.C. §
7 3161(h)(7)(A) and (B).

8 Pre-trial motions are due no later than August 24, 2009.

9 Pre-trial conference shall be on September 11, 2009, at 8:30 am.

10 DONE this 15th day of May, 2009.

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15 Robert J Bryan
16 United States District Judge

17 Presented By:

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20 /s/ Russell V. Leonard
21 Russell V. Leonard
22 Attorney for Defendant
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